

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1751 of 2019**

Gulab S/o Makhanlal Jaiswal Aged About 36 Years Working As T.T.E.  
SECR, Bilaspur, R/o Village Khurdur, Police Station And Tehsil Kota,  
District Bilaspur Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station  
Kota, District Bilaspur Chhattisgarh

---- Non-applicant

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|-------------------|-------------------------------|
| For applicant     | : Mrs. Madhunisha Singh, Adv. |
| For non-applicant | : Mr. D.C. Verma, Govt. Adv.  |

Shri K.L. Dhruw, SI, Police Station Kota, Distt. Bilaspur is also present  
in person along with case diary.

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board**

**20-11-2019**

1. This is second application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending his arrest in connection with Crime No. 153/2019 registered at Police Station- Kota, Distt. Bilaspur (C.G.) for offence punishable under Sections 452, 307, 147, 148 of the Indian Penal Code.
3. The first application for grant of anticipatory bail of the applicant was dismissed as withdrawn by this Court vide order dated 13-9-2019 passed in M.Cr.C.(A) No.1057/2019.
4. Case of the prosecution, in brief is that on 28-3-2019 at about 19.00 hour at village Khurdur, Kota, applicant, and co-accused Rajendra Kumar, Saroj, Phoolchand @ Raghvendra, Ramkumar, Tomesh holding clubs and battle axe caused injuries on the body of the complainant Govind, Hinsaram, Goutam and Smt. Rahi

Yadav. As per MLC report of Govind Yadav, injury No. 2 and 3 were found simple in nature. MLC reports of other injured persons are not yet received from hospital. Investigation is going on. Other injured persons are not present in village, thus their statements have not been recorded. The doctor intimated by a slip that some injuries were on head and fracture was present.

5. Counsel for the applicant submits that the applicant is a government servant. Six- seven months have passed but the prosecution has failed to show the MLC report of other injured persons. The prosecution has also failed to record the statements under Section 161 of Cr.P.C. of other injured persons. The applicant was on duty and he was falsely implicated. Thus he may be released on bail.
6. On the other hand, the Government Advocate opposes the bail application. However he submits that there is no criminal antecedent against the applicant as per police case diary.
7. Looking to the above mentioned facts and circumstances of the case, this Court is not inclined to give benefit of Section 438 of the Cr.P.C. to the present applicant. Application is rejected.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**JUDGE**